

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER OF DETENTION PENDING
)	FINAL HEARING ON PETITION
vs.)	
James Russell Windy Boy)	Case No. 1:18-cr-123
)	
Defendant.)	

In accordance with Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), I conclude that the following facts require the detention of the defendant.

PART I – FINDINGS AND CONCLUSIONS

Alternative A – The Court finds one or more of the following:

- ☒ (1) The Defendant has not proven by clear and convincing evidence that the defendant is not likely to flee.
- ☒ (2) The Defendant has not proven by clear and convincing evidence that the defendant does not pose a danger to the safety of other persons or the community.

Alternative B – The Court finds one of the following:

- ☐ (1) Defendant does not contest detention at this time.
- ☐ (2) Defendant is not eligible for release at this time.

PART II – WRITTEN STATEMENT OF REASONS FOR DETENTION

Defendant appeared on July 26, 2022, for the purposes of a preliminary hearing and a detention hearing. At the hearing, Defendant waived his right to the preliminary hearing portion. The Court accepts Defendant's waiver finding it was made knowingly, intelligently, voluntarily, and upon the advice of counsel. The Court also finds probable cause to support the allegations based upon Defendant's waiver.

Defendant has a recent history of failing to abide by court-imposed conditions, resulting in risks including to minor children. Defendant's proposed release option lacks the necessary structure, oversight, supervision, and security for Defendant. Defendant has not met his burden for release as to flight risk or risk to the safety of other persons or the community. Therefore, Defendant shall remain in custody pending the final revocation hearing.

PART III – DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or designated representative for confinement in a corrections facility. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States marshal for the purpose of an appearance in connection with court proceedings.

Date: 7/26/2022

/s/ Clare R. Hochhalter, Magistrate Judge

United States Magistrate Judge